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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 LIBERTY MUTUAL INSURANCE  
10 COMPANY,

11 Plaintiff,

12 CONSTRUCTION DEVELOPERS, INC.,  
13 ET AL.,

14 Defendants.

No. 1:20-CV-1724 SKO

**ORDER REGARDING SETTLEMENT  
CONFERENCE PROCEDURES**

15  
16 The Court sets a settlement conference for August 3, 2021, at 1:00 pm, in Courtroom 10,  
17 before Magistrate Judge Erica P. Grosjean.

18 The Court is willing to conduct the conference in person or remotely, by Zoom. The  
19 parties shall meet and confer and email the Court at [mrooney@caed.uscourts.gov](mailto:mrooney@caed.uscourts.gov) no later than  
20 fourteen days from today regarding their preference. If all parties do not agree to conduct the  
21 conference by Zoom, or if the parties do not email the Court within fourteen days, the conference  
22 will take place in person.<sup>1</sup>

23 Unless otherwise permitted in advance by the Court, the attorneys who will try the case  
24 shall appear at the Settlement Conference. It is recommended that pertinent evidence to be offered  
25 at trial, documents or otherwise, be brought to the settlement conference for presentation to the  
26 settlement judge. Neither the settlement conference statements nor communications during the  
27 settlement conference with the settlement judge can be used by either party in the trial of this

28 <sup>1</sup> Covid-19 restrictions, such as social distancing and masks, may be required.

1 case.

2 Absent permission from the Court, in addition to counsel who will try the case being  
3 present, the individual parties shall also be present. In the case of corporate parties, associations  
4 or other entities, and insurance carriers, a representative executive with authority to discuss,  
5 consider, propose and agree, or disagree, to any settlement proposal or offer shall also be present.  
6 A representative with unlimited authority shall either attend in person or be available by phone  
7 throughout the conference. In other words, having settlement authority “up to a certain amount”  
8 is not acceptable.

9 **IF ANY PARTY BELIEVES THAT A SETTLEMENT CONFERENCE WOULD**  
10 **BE FUTILE, THEN THAT PARTY SHALL CONTACT THE COURT NOT LATER**  
11 **THAN SEVENTY-TWO HOURS PRECEDING THE SCHEDULED SETTLEMENT**  
12 **CONFERENCE.**

13 ***Confidential Settlement Statements***

14 At least five (5) court days prior to the settlement conference, each party shall submit a  
15 Confidential Settlement Conference Statement in Word format directly to Judge Grosjean’s  
16 Chambers at [epgorders@caed.uscourts.gov](mailto:epgorders@caed.uscourts.gov). The statement shall not be filed on the docket or  
17 served on any other party. Each statement shall be clearly marked "confidential" with the date  
18 and time of the settlement conference clearly noted on the first page. The Confidential Settlement  
19 Conference Statement shall include the following:

- 20 A. A brief statement of the facts of the case.
- 21 B. A brief statement of the claims and defenses, i.e., statutory or other grounds  
22 upon which the claims are founded; a forthright evaluation of the parties'  
23 likelihood of prevailing on the claims and defenses; and a description of the major  
24 issues in dispute.
- 25 C. A summary of the proceedings to date.
- 26 D. An estimate of the cost and time to be expended for further discovery, pretrial  
27 and trial.
- 28 E. The relief sought.

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F. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers and demands.

IT IS SO ORDERED.

Dated: July 2, 2021

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE